IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 1143 of 2004 (M/B)

Head Constable, 98, Jagdish Singh,
S/o Jeewan Singh,
R/o Police Station Rishikesh & others. …… Petitioners.

Versus

State of Uttaranchal & others. …… Respondents

Mr. L.K. Tewari, learned counsel on behalf of the petitioners.
Mr. S.P.S. Panwar, learned senior counsel on behalf of respondent No. 4.
Mr. D.K. Sharma, learned Government Advocate for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. L.K. Tewari, learned counsel appearing for the petitioners, Mr. S.P.S. Panwar, learned senior counsel appearing for respondent No. 4 and Mr. D.K. Sharma, learned Government Advocate.

2. We do not find any reason to interfere in this matter. In this matter, the petitioners No. 2, 3 and 4 have already been arrested, while the petitioner No. 1, namely, Head Constable Jagdish Singh is still at large, As per the First Information report, there has been a firing on the car of the complainant, in which, the wife of the complainant suffered injuries and ultimately, died. This firing, at least as per the First Information Report, is completely unprovoked. It is reported by the public prosecutor that the investigation has been given to the CBCID now

3. In view of the pending investigation, we do not feel it proper to quash the First Information Report at this juncture and we do not want to express anything as the investigation is still on. However, there is no case made out for quashing the First Information Report.

4. The writ petition is accordingly, dismissed.

(Rajesh Tandon, J.) **(V.S. Sirpurkar, C.J.)**
23.11.2004 **23.11.2004**

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